



April 28, 2000

#9/SHK
Abandonment
5/19/00
V. Hart

U. S. Dept. Of Commerce
Patent and Trademark Office
Patent Office
ATTN: Charles Goodman, Patent Examiner
Washington, D. C. 20231

Subject: Patent Application No. 09/025,896.

Dear Mr. Goodman:

I received your Notice of Abandonment dated April 11, 2000 informing me that my patent application for a cabbage cutter (Application No. 09/025,896) has been abandoned because of my failure to timely file a proper reply to your office letter mailed on 25 August 1999. I was quite surprised by this communication and your decision because I did respond to your letter on December 8, 1999, and forwarded to you at that time the corrections you had requested. I even spoke to you on the phone the day before I mailed the package and read to you the cover letter which stated what I was sending to you. And, I thought, you seemed to indicate that I had included everything that you had requested. I had even called you a couple of times since then to inquire if you had had a chance to look over what I had sent to you, and you replied that you hadn't. I have always replied to your communications on time because I do know how important those due dates are.

After I received your Notice of Abandonment, I called you immediately to inform you that there had been a mistake and to remind you that I had responded within the time limit on December 8, 1999. When I talked to you on the phone last Wednesday (April 19th), you suggested that I send a "Request for Reconsideration." When I objected, because I didn't consider myself at fault because I had responded on time, you told me you would discuss this problem with your supervisor and get back with me on the following day (Thursday, April 20th) with a solution. I did not hear from you on Thursday, and I still haven't heard from you. At this point, for the record, I feel there is definitely a need for me to make a written response to the Notice of Abandonment. I don't want to leave you with the impression that I'm refusing to send in a Request for Reconsideration. I will gladly do whatever is necessary to continue the prosecution of this patent because it is very important to me.

According to your Office Action Summary dated August 25, 1999, my substitute specification filed June 23, 1999 was not entered because it did not conform to 37 CFR 1.125(b) because: (1) the statement as to a lack of new matter under 37 CFR 1.125(b) was missing, and (2) a marked-up copy of the substitute specification was not supplied (in addition to the clean copy). This applied to the drawings with the substitute specification as well. Reference numerals that indicated features of the invention had been added to the substitute specification and to the drawings that I submitted on June 23, 1999. In this same Office Action

Summary dated August 25, 1999, you included the following statement regarding the substitute specification and drawings I had filed with you on June 23, 1999, and I quote: "It is noted that, in general, the introduction of reference numerals in the substitute specification and the drawings would comply with the above requirements. However, since the substitute specification has not been entered, the above objection is maintained." So, I'm assuming that the drawings I filed previously have not been entered but are acceptable and that there was no need for me to send you another drawing.

In the substitute specification I submitted on November 3, 1999, the statement as to a lack of new matter under 37 CFR 1.125(b) was added, and a marked-up copy of the substitute specification was supplied to the Patent Office at that time.

An Advisory Action from you dated November 30, 1999 notified me that the new substitute specification I had supplied was improper in that the marked-up copy was not a copy of the original filed as of the filing date of the application, and that some details I had added may be construed as new matter since they were not introduced in the specification as originally filed. Thus, raising new issues. I responded to this Advisory Action on December 9, 1999 by supplying a new substitute specification, including claim, which eliminated any details that could be construed as new matter, and the marked-up copy of the substitute specification included the copy of the original one filed as of the filing date of the application, in addition to the clean copy. And sections of the substitute specification were rephrased for informative and descriptive clarification only. No new matter was included. Deletions were in brackets and the additions were underlined. Also, all vague and indefinite terms were eliminated.

I'm sending copies of the Federal Express receipts for the last two submissions I mailed to you (November 4, 1999 & December 9, 1999), and a photo copy of the cancelled check (front & back) that was included with the material mailed to you on December 9th.

Perhaps this letter can serve as the "Request for Reconsideration" that you suggested I submit.

Please let me know what I'm suppose to do next. I'll be waiting to hear from you. Thanks again for your assistance.

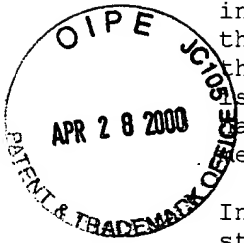
Sincerely,

Billie Jean Longstreth

BILLIE JEAN LONGSTRETH
406 Rising Hill Drive
Fairborn, Ohio 45324
Telephone: (937) 878-6902

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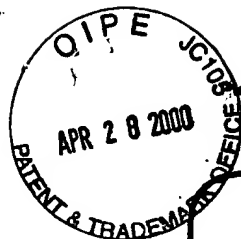
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<h1>TRANSMITTAL FORM</h1> <p>(to be used for all correspondence after initial filing)</p>	Application Number	09/025,896	
	Filing Date	02/18/98	
	First Named Inventor	Billie Longstreth	
	Group Art Unit	3724	
	Examiner Name	Charles Goodman	
Total Number of Pages in This Submission	5	Express Mail # Address Docket Number	EK790181501US

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure(s) (please identify below):
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	BILLIE JEAN LONGSTRETH
Signature	<i>Billie Jean Longstreth</i>
Date	April 28, 2000

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 4/28/00

Typed or printed name	Billie J. Longstreth		
Signature	<i>Billie J. Longstreth</i>	Date	4/28/00

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